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IMPERATORIS IUSTINIANI INSTITUTIONUM, LIBRI QUATTUOR, with Introduction, Commentary, and *Excursus*. By J. B. Moyle. Fourth Edition. Oxford: The Clarendon Press. London: Stevens & Sons, Ltd. 1903. pp. vii, 680. 8vo.

In 1883 Mr. Moyle published, in two volumes, the first edition of his work on the Institutes of Justinian. The first volume contained an introduction, the text of the Institutes with a commentary, and ten *excursus*: the second contained the translation. While these two volumes formed one complete work, Mr. Moyle has re-edited them at different times. The translation is still in its third edition, while the other volume now appears in a fourth.

It is difficult to speak with moderation of the work which Mr. Moyle has accomplished in this field. While the present volume purports to be merely a commentary on the Institutes, it contains, in reality, information upon most questions arising in regard to the law of Rome from the days of the Twelve Tables down to the time when Justinian, through the labors of Tribonian and his associates, codified the writings of the authorized jurists and the imperial legislation, and gave a new form to the Civil Law.

The Introduction to the present volume, covering eighty-three pages, contains a critical and scholarly account of the history of Roman Law and Legislation. Since the treatment is condensed in space, the style is necessarily concise. The author presumes in his reader a general familiarity with Roman history and conditions, and without these it would be difficult to follow the discussion to advantage. The most interesting portions of the article are those treating of the relation of public and private law, the original position of the *plebs*, and the origin of the *jus gentium* and its connection with the edicts of the prætors. A regret may, however, be expressed that Mr. Moyle has not given us his personal opinion upon a famous distinction of the Roman law—that of *res Mancipi* and *res nec Mancipi*, instead of collecting the opinions of other writers. In this edition the author has added to the Introduction an account of the influence exercised upon the development of law by the pontifical and lay lawyers of the Republic.

In an introduction to each Book the author explains the scope and the sources of the principal portion of the text. The notes in this edition have been carefully revised and cover more space than the text itself.

The ten *excursus*, covering nearly a hundred pages, form one of the most valuable and scholarly portions of the book. Of these the most noteworthy are the fifth, dealing with the general nature of obligations; the seventh, upon joint and several liability; the eighth, upon the Roman literal contract and its history; and the tenth, covering forty pages, which discusses the early history of Roman Civil Procedure.

A general index and an index to the text make it possible for any person desiring information upon any special point within the scope of the work to find it at a moment's notice.

THE MIRROR OF JUSTICES, written originally in the old French, before the Conquest. By Andrew Horn. Translated by W. H. of Gray's Inn. Introduction by William C. Robinson. Washington, D. C.: John Byrne & Co. 1903. pp. xix, 337. 8vo.

The tendency of nearly all authorities is to ascribe the authorship, or at least the compilation, of the Mirror of Justices to Andrew Horn, author of the Liber Horn, who died a distinguished citizen of London in 1328. The stated purpose of the book is to set forth the true doctrines of the Common Law in order that the Justices may see and correct the daily abuses into which they have fallen. In accordance with this purpose, the text falls roughly into three divisions: first, a brief classification and history of the law; second (composing the bulk of the volume), the rules of law as the author conceives them to exist; third, a statement of one hundred and fifty-five abuses of the law, together with a criticism of the provisions or the administration of several of the cele-

brated ancient statutes. Such being the character of the book, it is a matter of regret that it seems impossible to consider it wholly trustworthy. It is true that as early as 1550 it was cited as authority, *Reniger v. Fogossa*, 1 Plowd. 1; and Lord Chief Justice Tindal classed it with Bracton as evidence of the ancient law. *In re Serjeants at Law*, 6 Bing. N. C. 187. But the writers of historical treatises have not placed so much confidence in it. Reeve is inclined to regard the book as a curiosity rather than an authority. 2 REEVE, ENGLISH LAW 232. Pollock and Maitland's *History of the English Law* (Vol. 2, p. 478 n.) dismisses it as "so full of fables and falsehoods that as an authority it is worthless." Moreover, this is but the beginning of the controversy, for its date, its true purpose, and its origin have all been questioned. It has been held to contain ancient matter antedating the Conquest; it has been strongly hinted that it was a deliberate misrepresentation. Indeed it may almost be said that there is no point concerning it not open to dispute.

Besides the text, the present volume contains a short, but satisfactory introduction, defining the positions of the contending commentators, and briefly discussing the whole controversy. With this as a guide, the reader fond of historical legal research will find the pages of interest.

STREET RAILWAY REPORTS, reporting the electric railway and street railway decisions of the Federal and State courts in the United States. Edited by Frank B. Gilbert. Vol. I. Albany, N. Y.: Matthew Bender. 1904. pp. xvi, 943. 8vo.

The introduction of electricity as a motive power has revolutionized the use of streets and highways for transportation purposes. This development has been marvelously rapid and ever increasing. Hardly less rapid has been the growth of a well-defined street railway law. While the cases on this subject have been hidden away in a maze of reports, among a multitude of other decisions, it has been very difficult for a lawyer to keep pace with the development of this practical and interesting branch of the law. Recognizing this situation, the publishers of the present volume have felt that the demands of the legal profession would justify the production of a series of reports devoted exclusively to street railway decisions. The accuracy of this estimate must be left to the future to decide. The same idea was put into operation twice before, in 1864 and 1894, and proved unsuccessful in both instances. Ten years ago, however, this branch of the law was but in its childhood, and we cannot but feel that the judgment of the publishers in this instance has been well founded.

This volume, the first of the series, covers the cases decided in the Federal and State courts from April 1, 1903, to the date of publication. Roughly speaking, there are one hundred and sixty decisions reported, covering all topics bearing directly upon street railways. The notes are numerous, and sometimes exhaustive and thorough. The binding and presswork are excellent. The indexes, to both decisions and notes, are in convenient form. Altogether the work of the editor has been satisfactory, and it is sincerely to be hoped that the subsequent volumes will attain the same standard.

AN INTRODUCTION TO PRACTICE, with Special Reference to the New York Code of Civil Procedure. By George A. Miller. New York: Leslie J. Tompkins. 1903. pp. xiv, 284. 8vo.

In the preface to this noteworthy addition to treatises on New York practice, Mr. Miller says: "The Code was not written for students. Its authors assumed the existence of a profession having knowledge of an existing system of practice in which statutory changes were to be made. For students, the Code is simply a collection of obscurities arranged in confusion. To them, as a subject of study, it is hopeless. To wander in its wilderness without a guide is to get lost.